

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARNETT JOHNSON,

Petitioner,

-against-

MEMORANDUM & ORDER
10-CV-2794 (JS)

UNITED STATES OF AMERICA,

Respondent.

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APPEARANCES

For Petitioner: Garnett Johnson, pro se
78214-053
Gilmer Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 6000
Glenville, WV 26351

For Respondent: Charles N. Rose, Esq.
United States Attorney's Office
Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722

SEYBERT, District Judge:

Garnett Johnson ("Petitioner") moves this Court pro se for leave to proceed in forma pauperis on appeal. Petitioner seeks to appeal this Court's denial of his Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the execution of his sentence. (See Sept. 3, 2013 Mem. & Order, Docket Entry 18.) Judgment was entered on September 27, 2013. (See Docket Entry 19.)¹ For the reasons set forth below, the application is

¹ To date, Petitioner has not filed a Notice of Appeal in accordance with Rule 4(a)(1)(B)(i) of the Federal Rules of Appellate Procedure and the sixty-day time period within which to

DENIED.

DISCUSSION

Federal Rule of Appellate Procedure 24 provides, in relevant part:

(a) Leave to Proceed In Forma Pauperis.

(1) Motion in the District Court. Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

FED. R. APP. P. 24(a)(1)(A)-(C). Petitioner's application for leave to appeal in forma pauperis does not comport with these requirements. Petitioner has not provided an affidavit in the detail prescribed by Form 4 of the Appendix of Forms demonstrating his inability to pay or to give security for fees and costs. Moreover, wholly absent from the application is any claim by Petitioner that he is entitled to redress. Nor does Petitioner state any of the issues that he intends to present on appeal.

do so has long expired.

Thus, Petitioner's application is DENIED.

CONCLUSION

For the reasons set forth above, Petitioner's application seeking leave to appeal in forma pauperis is DENIED. Pursuant to Rule 24 of Federal Rules of Appellate Procedure, any further request to proceed on appeal as a poor person must be filed with United States Court of Appeals for the Second Circuit.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: May 12, 2014
Central Islip, NY